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10/691,227	10/22/2003	George Thompson	GLTS:1002	5996
<div>34725      7590      10/01/2007</div> <div>CHALKER FLORES, LLP</div> <div>2711 LBJ FRWY</div> <div>Suite 1036</div> <div>DALLAS, TX 75234</div>				
<div>EXAMINER</div> <div>ANDERSON, JOHN A</div>				
<div>ART UNIT      PAPER NUMBER</div> <div>3609</div>				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/691,227	THOMPSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John A. Anderson	3609	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/22/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, 3, 8, 9, 17, 25, 34 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Bay, Jr (US PAT No: 5,347,452).**

**As regards claim 1, Bay discloses:**

A method for determining and displaying trading trends comprising the steps of:

- Obtaining market information for an investment underlying one or more options for two or more time intervals; [column 1, 8-13]
- Calculating an opening value trend using a market trend indicator and the opening values for the underlying investment; [column 4, 19-28]
- Calculating a closing value trend using the market trend indicator and the closing values for the underlying investment; [column 4, 19-28]
- Displaying a visual indicator comparing the opening value trend to the closing value trend for the underlying investment. [Column 4, 27-28]

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**As regards claim 2, Bay discloses** the method as recited in claim 1, wherein the opening value is an opening price and the closing value is a closing price [column 4, 27-29].

**As regards claim 3, Bay discloses** the method as recited in claim 1, wherein the opening value is an opening trading volume and the closing value is a closing volume. [Column 4, 25-27]

**As regards claim 8, Bay discloses** the method as recited in claim 1, wherein the visual indicator displays the time interval. [Column 4, 36-39]

**As regards claim 9, Bay discloses** the method as recited in claim 1, further comprising the step of displaying the opening value trend as a first line and the closing value trend as a second line in a graph [column 5, ln 7-11].

**As regards claim 17, Bay discloses** obtaining market information for an investment underlying one or more options for two or more time intervals; [column 1, 8-13]

**As regards claim 25, Bay discloses** A computer program embodied in a computer readable medium for determining and displaying trading trends comprising:

- a code segment for obtaining market information for an investment underlying one or more options for two or more time intervals; [column 1, 8-13]
- a code segment for calculating an opening value trend using a market trend indicator and the opening values for the underlying investment; [column 4, 19-28]
- a code segment for calculating a closing value trend using the market trend indicator and the closing values for the underlying investment; [column 4, 19-28]

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- a code segment for displaying a visual indicator comparing the opening value trend to the closing value trend for the underlying investment.[ column 5, 27-28]

**As regards claim 34, Bay discloses** The computer program as recited in claim 25, further comprising a code segment for selecting the time interval [column 5,ln 12-23].

**As regards claim 39, Bay discloses** an apparatus for determining and displaying trading trends comprising: a computer communicably connected to a market information source;

- Obtaining market information for an investment underlying one or more options for two or more time intervals. [column 1, 8-13]
- From the market information source, calculating an opening value trend using a market trend indicator and the opening values for the two or more options, [column 4, 9-28]
- Calculating a closing value trend using the market trend indicator and the closing values for the two or more options,[column 4, 9-28]
- Displaying a visual indicator comparing the opening value trend to the closing value trend for the investment on the display.[column 4, 27-28]

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4 – 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bay, Jr; (US PAT No: 5,347,452 A) as applied to claim 1 and 25 above, in view of Williams, (US PG PUB 2002/0055899).**

**As regards claim 4, Bay discloses** displaying a visual indicator comparing opening and closing value trends. **Bay does not disclose** that the visual indicator is a first color.

**However, Williams discloses** the method as recited in claim 1, wherein the visual indicator is a first color whenever the closing value trend is greater than the opening value trend. [paragraph 65, ln14]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay to specify what the visual indicator is.

The motivation would be to visually signal important activity of the auction participants and differentiate one important activity from another.

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**As regards claim 5, Bay discloses** displaying a visual indicator comparing opening and closing value trends. **Bay does not disclose** that the first color is green.

**However, Williams discloses** the method as recited in claim 4, wherein the first color is green. [paragraph 065] Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay to specify the color of the visual indicator. The motivation would have been to visually signal important activities of the auction participants. In addition, the color is non-functional descriptive material that does not further limit the claim.

**As regards claim 6, Bay discloses** displaying a visual indicator comparing opening and closing value trends. **Bay does not disclose** that the visual indicator is a second color.

**However, Williams discloses** the method as recited in claim 1, wherein the visual indicator is a second color whenever the closing value trend is lower than the opening value trend. [paragraph 065]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay to specify what the visual indicator is.

The motivation would be to visually signal important activity of the auction participants.

**As regards claim 7, Bay discloses** displaying a visual indicator comparing opening and closing value trends. **Bay does not disclose** that the first color is red.

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**Williams discloses** the method as recited in claim 6, wherein the second color is red [065]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay to specify the color of the visual indicator. The motivation would have been to visually signal important activities of the auction participants. In addition; the color is non-functional descriptive material that does not further limit the claim.

**As regards claim 26, Bay discloses** a program first determines parameters for the graph to be created, values to plot are then calculated, the type of graph, line or bar chart is next determined. [column 5, ln5-10].

**Bay does not disclose** displaying the opening value trend as a first line and the closing value trend as a second line in a graph.

**Williams discloses** [0013 and 0046]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood further in view of Williams to present investors with large amount of useful trading data in real time. The motivation would have been to assist the investor in recognizing quickly and easily trends patterns for that particular stock.

**Claims 10-11, 13-15, 18-20, 22 and 23, 27- 31, 35 - 37 are rejected under 35**

**U.S.C. 103(a) as being unpatentable over Bay, Jr; (US PAT No: 5,347,452 A) in view of Greenwood, K (PGPUB 20020156722).**



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**As regards claim 10, Bay discloses** the price information is preferably displayed with opening and closing values [column 4 ln 27-29]. **Bay does not disclose** displaying a list of information about a point on either line.

**Greenwood discloses** the method as recited in claim 9, further comprising the step of displaying a list of information about a point selected on either the first line or the second line. [0099, 0104,0105]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to provide the list of information to assist the prospective investor. The motivation would have been to provide the investor with information to make a determination whether to buy or sell.[0095]

**As regards claim 11, Bay discloses** obtaining market information for an investment underlying one or more options. **Bay does not disclose** a market trend indicator.

**Greenwood discloses** one example of such investment advice is the use of trading algorithms based upon market trends. There are a number of programs or systems that provide investment advice based upon predetermined algorithms. These various investment advice strategies typically use historical trading information (e.g., volume, price and volatility of a particular stock). Analyzing the behavior of any given stock and its visual representation in the form of patterns and trends on a graph is known in the securities trading arts as a "technical analysis [004]

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to provide market trend indicators. The motivation would be to provide timely investment information to prospective investors and aid in forecasting trends.

**As regards claim 13, Bay discloses** obtaining market information for an investment.

**Bay does not disclose** selecting a market information source; and communicably connecting to the market information source.

**Greenwood discloses** the method as recited in claim 1, further comprising the steps of selecting a market information source; and communicably connecting to the market information. [0099]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to provide the means to select and connect to the market information source. The motivation would have been to make obtaining market information very accessible to investors as in via the Internet with helpful downloads.

**As regards claim 14, Bay discloses** an investment underlying one or more options for two or more time intervals. **Bay does not disclose** step of executing a trade involving one of the options.

**Greenwood discloses** the method as recited in claim 1, further comprising the step of executing a trade involving one of the options for the underlying investment. [0099]

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to provide the means to connect to the Internet to access the automated trading system and the investment advice system. The motivation would have been to make the trading market accessible to investors globally.

**As regards claim 15, Bay discloses** calculating a closing value trend using the market trend indicator and the closing values for the underlying investment.

**Bay does not disclose** simulating an execution of a trade involving one of the options for the underlying investment.

**Greenwood discloses** the method as recited in claim 1, further comprising the step of simulating an execution of a trade involving one of the options for the underlying investment. [0077]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to provide the user the means to review or view the details of an order. The motivation would have been to provide the investor an opportunity to view the information and the options available before committing to a sale.

**As regards claim 18, Bay discloses** displaying a visual indicator comparing the opening value trend to the closing value trend for the underlying investment.

**Bay does not disclose** the step of selecting the time interval.

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**Greenwood discloses** the method as recited in claim 1, further comprising the step of selecting the time interval.[0048]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to include periodic monitoring of information to the user or trader. The motivation would have been to gather or impart information at different time intervals.

**As regards claim 19, Bay discloses** displaying a visual indicator comparing the opening value trend to the closing value trend for the underlying investment.

**Bay does not disclose** the step of selecting the time interval is a preset time based on a user profile.

**Greenwood discloses** The method as recited in claim 1, wherein the time interval is a preset time based on a user profile [0048].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to include periodic monitoring of information to the user or trader. The motivation would have been to program the time interval in a systematic manner.

**As regards claim 20 and 35, Bay discloses** calculating an opening value trend using a market trend indicator and the opening values for the underlying investment; [column 4, 19-28]

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Calculating a closing value trend using the market trend indicator and the closing values for the underlying investment; [column 4, 19-28]

Displaying a visual indicator comparing the opening value trend to the closing value trend for the underlying investment. [column 4, 27-28]

**Bay does not disclose** the step of repeating the steps of obtaining the market information for a set of different time intervals.

**Greenwood discloses** The method as recited in claim 1, further comprising the step of repeating the steps of obtaining the market information, calculating the opening value trend and the closing value trend, and displaying the visual indicator for a set of different time intervals [0094].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to update information and conclude the transaction. The motivation would have been to establish and sustain the database and display the trend of the opening and closing values for the investors.

**As regards claim 22 and 36, Bay discloses** the limitations as stated in claim 20.

**Bay does not disclose** the step of repeating the steps of obtaining the market information for two or more options.

**Greenwood discloses** the method as recited in claim 1, further comprising the step of repeating the steps of obtaining the market information, calculating the opening value trend and the closing value trend, and displaying the visual indicator for two or more options.[0098]

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to update information and conclude the transaction. The motivation would have been to establish and sustain the database and display the trend of the opening and closing values for the investors.

**As regards claim 23 and 37 Bay discloses** calculating an opening value trend using a market trend indicator and the opening values for the underlying investment; [column 4, 19-28]

calculating a closing value trend using the market trend indicator and the closing values for the underlying investment; [column 4, 19-28]

**Bay does not disclose** the step of updating the opening values, closing values, opening trend, closing trend and visual indicator.

**Greenwood discloses** The method as recited in claim 1, further comprising the step of updating the opening values, the closing values, the opening value trend, the closing value trend and the visual indicator [0061].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to keep the information current for the users. The motivation would have been to establish and sustain the database and display the trend of the opening and closing values for the investors.

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**As regards claim 27, Bay discloses** displaying a program first determines parameters for the graph to be created, values to plot are then calculated, the type of graph, line or bar chart is next determined. [column 5, ln5-10].

**Bay does not disclose** displaying a list of information about a point selected on either first line or the second line.

**Greenwood discloses** the lists are downloaded from the buysellorhold.com website, and are in the form of HTML documents. [0099-0105]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Greenwood in view of Bay to provide investors with useful data as part of an investment advice information system. The motivation would have been to provide the investor with information to make a determination whether to buy or sell.

**As regards claim 28, Bay discloses** a code segment for displaying a visual indicator comparing the opening value trend to the closing value trend for the underlying investment. [Column 5, 27-28]

**Bay does not disclose** the method as recited in claim 1, wherein the market trend indicator comprises one or more regression algorithms selected.

**Greenwood discloses** [0004,0006] wherein the market uses predetermined algorithms based on market trends.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to allow users to obtain

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investment advice information. Such information comes in the form of trading "picks," strategies, algorithms, and systems [0003]. The motivation would be to provide timely investment information to prospective investors and aid in forecasting trends.

**As regards claim 29, Bay discloses** obtaining market information for an investment.

**Bay does not disclose** selecting a market information source; and communicably connecting to the market information source.

**Greenwood discloses Greenwood discloses** an exemplary Application of the Automated Trading System to an Investment Advice System

In an exemplary embodiment of the automated trading system, the automation engine downloads two lists on each morning of day trading. The lists are downloaded from the BuySellOrHold.com website, and are in the form of HTML documents. The lists are downloaded over the Internet via TCP/IP. The lists contain the following information in character format [0099].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to provide the means to select and connect to the market information source. The motivation would have been to make obtaining market information very accessible to investors as in via the Internet with helpful downloads.



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**As regards claim 30, Bay discloses** an investment underlying one or more options for two or more time intervals. **Bay does not disclose** executing a trade involving one of the options.

**Greenwood discloses** this invention relates to an automated trading system that is implemented on a computer network. Specifically, this invention relates to a computer system for the automated trading of securities where the automated system of the invention implements a connection between an investment advice system and a brokerage system and the advice acquired from the advice system may be automatically exploited to trade securities based upon predetermined user defined criteria. [0002].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood to provide the means to connect to the Internet to access the automated trading system and the investment advice system. The motivation would have been to make the trading market accessible to investors globally.

**As regards claim 31, Bay discloses** a code segment for obtaining market information for an investment underlying one or more options for two or more time intervals;[column 1, 8-13]. **Bay does not disclose** The computer program as recited in claim 25, further comprising a code segment for simulating an execution of a trade involving one of the options for the underlying investment.

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**Greenwood discloses** the user may click on an order to review it or view the details of the order. [0077].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood. The motivation would be to allow user and investors to input data without actually executing a trade transaction.

**Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bay, Jr;**

**(US PAT No: 5,347,452 A) in view of Phillips et al (US PAT No: 6,792,399)**

**As regards claim 12, Bay discloses** calculating an opening value trend using a market trend indicator and the opening values for the underlying investment; [column 4, 19-28]

**Bay does not disclose** The method as recited in claim 1, wherein the opening value trend is calculated without using the opening value from the most recent time interval.

**Phillips discloses** specifically displayed on the left side of the graph would be the historical trend of recent past values [108].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Phillip to present the user with historical trend that does not include current data. The motivation would have been to accommodate investors who may be initially uncomfortable clicking on arbitrary areas within a band.

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**Claims 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bay, Jr; (US PAT No: 5,347,452 A) in view of Fitzpatrick et al (US PAT No: 7,171,384).**

**As regards claim 16, Bay discloses** calculating an opening value trend using a market trend indicator and the opening values for the underlying investment; [column 4, 19-28]

**Bay does not disclose** The method as recited in claim 1, further comprising the step of calculating a potential tax liability for an execution of a trade involving one of the options for the underlying investment.

**Fitzpatrick discloses** each selection may include a drop down menu of sub-selections including taxable fixed income. [99, ln 16-20]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Fitzpatrick to provide account data and other relevant information of interest to the investor. The motivation would have been to provide the investors with associated tax cost and what is taxable per trade transaction.

**As regards claim 32, Bay discloses** calculating an opening value trend using a market trend indicator and the opening values for the underlying investment; [column 4, 19-28]

**Bay does not disclose** the computer program as recited in claim 25, further comprising a code segment for calculating a potential tax liability for an execution of a trade involving one of the options for the underlying investment.

**Fitzpatrick discloses** each selection may include a drop down menu of sub-selections including taxable fixed income [99, ln 16-20].

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Fitzpatrick to provide account data and other relevant information of interest to the investor. The motivation would have been to provide the investors with associated tax cost and what is taxable per trade transaction.

**Claims 21, 24 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bay, Jr; (US PAT No: 5,347,452 A) in view of Greenwood as applied to claims 20 and 23 and in further view of Olsen et al (US PGPUB 2002/018434).**

**As regards claim 21, Bay discloses** calculating an opening value trend using a market trend indicator and the opening values for the underlying investment; [column 4, 19-28]  
Calculating a closing value trend using the market trend indicator and the closing values for the underlying investment; [column 4, 19-28]

Displaying a visual indicator comparing the opening value trend to the closing value trend for the underlying investment. [column 4, 27-28]

**Bay and Greenwood does not disclose** the set of different time intervals comprises daily, weekly and monthly intervals.

**Olsen discloses** modeling the daily and weekly fluctuations of foreign exchange activity. [0095]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood and in further view of

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Olsen to specify the time intervals used in the data analysis. The motivation would have been to establish a useful time scale for indicator computations.

**As regards claim 24 Bay discloses** calculating an opening value trend using a market trend indicator and the opening values for the underlying investment; [column 4, 19-28] calculating a closing value trend using the market trend indicator and the closing values for the underlying investment; [column 4, 19-28]

**Bay and Greenwood does not disclose** the computer program as recited in claim 23 further comprising a code segment for signaling a user whenever the visual indicator changes.

**Olsen discloses** an opportunity catcher that displays a signal for the dealer to buy or sell according to the recommendation. [0061, 0162]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood and in further view of Olsen to notify the investor of opportune times to buy or sell or not to buy or sell. The motivation would have been to get the attention of the investor when a deal is recommended.

**As regards claim 38 Bay discloses** calculating an opening value trend using a market trend indicator and the opening values for the underlying investment; [column 4, 19-28] calculating a closing value trend using the market trend indicator and the closing values for the underlying investment; [column 4, 19-28]

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**Bay and Greenwood does not disclose** the computer program as recited in claim 37 further comprising a code segment for signaling a user whenever the visual indicator changes.

**Olsen discloses** an opportunity catcher that displays a signal for the dealer to buy or sell according to the recommendation. [0061, 0162]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Greenwood and in further view of Olsen to notify the investor of opportune times to buy or sell or not to buy or sell. The motivation would have been to get the attention of the investor when a deal is recommended.

**Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bay, Jr; (US PAT No: 5,347,452 A) in view of Olsen et al (US PGPUB 2002/018434).**

**As regards claim 33, Bay discloses** obtaining market information for an investment underlying one or more options for two or more time intervals; [column 1, 8-13]

**Bay does not disclose** searching for investment trading opportunities.

**Olsen discloses** an opportunity catcher 170 searches for a realistic price at which to execute the deal, preferably in a time window of 2-3 minutes (depending on the currency). [0025].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Bay in view of Olsen to notify the investor of

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favorable deals, prices or opportunities. The motivation would have been to locate for the investor investing opportunities.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Anderson whose telephone number is 571-270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AKM ULLAH can be reached on 571-2722361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John A Anderson  
Examiner  
Art Unit 3609

  
AKM ULLAH  
SUPERVISORY PATENT EXAMINER

Application/Control Number: 10/691,227

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